



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII
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Mr. Ted Toms
P.O. Box 274
Silverton, CO 81433

Dear Mr. Toms:

This is in response to your letter regarding a discovery report under Superfund in the Upper Animas Basin, above Silverton, Colorado. EPA is aware of the importance of the mining tradition to your family and to others in this area. Thank you for sharing your concerns with us. I will answer some of your questions here and your letter will be added to the site file so that your opinion will not be lost.

EPA and CDPHE had discussions several years ago about mining districts in Colorado in general which had not been screened under Superfund's Site Assessment Program. This is a program designed to "red flag" releases causing potential risk to human health or the environment. The Upper Animas stood out as one of the most visibly contaminated formerly-mined areas of the State which had not been looked at under the program.

CDPHE was already extremely involved in this area under its Water Quality Control Program, so they were aware of an abundance of data which already existed. This data included the partial characterization of the area surface water by Sunnyside Gold, which you mentioned. You have correctly identified that there are still questions about whether mining or the environment are the determining factor regarding a viable reproducing fishery in the Upper Animas River and below. EPA has funded CDPHE under the Clean Water Act since 1990, to characterize impaired water quality due to correctable mining problems. In addition, the USGS has participated with us in differentiating mining problems versus problems related to natural and uncorrectable mining-related causes. These studies indicate releases have occurred from mining-related sources in the area.

CDPHE was concerned that the Stakeholders group get the credit they deserved for united and individual efforts focussed on understanding releases to the surface water, and that Superfund not pre-empt achievements which could be gained under the Stakeholder's group. They asked the Site Assessment Manager to put as much information as was available into the record at the point of discovery. A synopsis of available data was collated by CDPHE in the discovery report. The State sent the report out for review among the Stakeholders as a reality check, not as an advertisement. You have indicated that information in that report is misleading. Reports on any future work will try to be more sensitive to competing interpretations of the information.



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EPA and CDPHE have responsibilities to protect human health and the environment that go beyond water quality in streams. The effort prior to the discovery report focussed on the fishery, and did not ask questions about whether individuals were drinking contaminated water, or living on contaminated soil. The traditional approach under water permits and programs did not screen for the variety of substances which are routinely screened for in a site assessment, or test the stream sediments where critical additional information is sometimes found. There were people in the community who were not on the city's water supply, and justifiably wanted their drinking water tested. There might be further questions about whether people should eat the fish from the river, or whether metals are bioaccumulating in the fish meat.

The discovery document does not mean EPA or the State will "take over" the site. It means we ask questions about whether exposures to human health or the environment are taking place by way of air, ground water, surface waters, or residential soils. This assures that the risk management issues with respect to all pathways of potential exposure are on the table early, in a low-cost screening. At the point of discovery under the program we have not made a large financial commitment, declared that clean-up is required, or said that EPA must be the force for change. In fact, EPA and CDPHE see great potential for grassroots leadership in the Silverton community. It is a premier example of a community facing it's environmental challenges and trying to balance these with economic challenges.

EPA is committed to working with this community to help them achieve the environmental success they are aiming for. While EPA and the State cannot ignore our responsibilities with respect to human health and the environment under numerous environmental statutes, we are working hard to listen better and be more responsive, and to make room for successful efforts by other capable parties. If you have any additional questions about this work in the Upper Animas Basin, please contact Carol Russell or Pat Smith at 1-800-227-8917.

Sincerely,

Jack W. McGraw
Acting Regional Administrator
EPA Region VIII

cc: Animas Stakeholders, c/o Bill Simon (w. original letter)
San Juan County Board of County Commissioners
Greg Parsons, CDPHE WQCD
Martin O'Grady, CDPHE HMWMD



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